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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,460	03/03/2005	Seamus Greally	26636U	8168

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EXAMINER

GUADALUPE, YARITZA

ART UNIT PAPER NUMBER

2859

DATE MAILED: 09/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/526,460	Applicant(s) GREALLY, SEAMUS	
	Examiner Yaritza Guadalupe McCall	Art Unit 2859	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 14-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 14 – 18, 20 – 21, 23 and 24 are rejected under 35 U.S.C. 102 (b) as being anticipated by Goldman (US 5,842,284).

In regards to claim 14, Goldman discloses a measuring device comprising an elongate member (56); and a coupling (34, 60, 62) in operative association with the elongate member, the coupling comprising a first section (defined by the mounting plate 60) and a second section (defined by the hook 34), wherein the first section and the second section are disposed at a desired position relative to one another, the coupling being adapted to hinge (at section 62), about an axis which lies substantially parallel to a transverse axis of the elongate member (See Figure 2), between a first state in which the first section is disposed substantially parallel to a longitudinal axis of the elongate member, to a second state in which the second section is disposed substantially parallel to the longitudinal axis of the elongate member.

With respect to claim 15, Goldman also discloses a measuring device wherein the axis about which the coupling is hinged lies substantially contiguous with free end of the elongate member (See Figure 2).

With respect to claim 16, Goldman further teaches a measuring device wherein the first section (60) and the second section (34) are disposed substantially perpendicular to one another, when moved upward during use of the device.

In regards to claim 17, Goldman discloses a measuring device wherein the coupling is secured to the elongate member by means of an anchor (see connecting rivets on the end hook 34).

With regards to claim 18, Goldman also shows a measuring device comprising a pin (62) arranged to secure the coupling to the anchor, the pin defining the axis about which the coupling is hinged.

Regarding claim 20, Goldman further teaches a measuring device wherein the coupling is displaceable, in the direction of the longitudinal axis of the elongate member permitted by the displacement of the rivets as conventionally known in the art, a distance substantially equal to the thickness of the first section or the second section.

In regards to claim 21, Goldman discloses a measuring device wherein the elongate member comprises a tape (56) having measuring indicia thereon.

With regards to claim 23, Goldman also discloses a measuring device wherein a transition from the first section to the second section has a radius of curvature whose centre corresponds to the axis about which the coupling is hinged (See Figure 2).

Regarding claim 24, Goldman teaches a measuring device further comprising a housing (14) into which the elongate member is retractable.

3. Claims 14, 17 – 19 and 22 are rejected under 35 U.S.C. 102 (b) as being anticipated by Ten Caat et al. (US 6,101,734).

In regards to claim 14, Ten Caat et al. discloses a measuring device comprising an elongate member (2); and a coupling (3, 4, 7, 9) in operative association with the elongate member, the coupling comprising a first section (3, 4) and a second section (7, 9), wherein the first section and the second section are disposed at a desired position relative to one another, the coupling being adapted to hinge (at sections 6 and 10), about an axis which lies substantially parallel to a transverse axis of the elongate member (See Figure 2), between a first state in which the first section is disposed substantially parallel to a longitudinal axis of the elongate

member, to a second state in which the second section is disposed substantially parallel to the longitudinal axis of the elongate member.

In regards to claim 17, Ten Caat et al. also discloses a measuring device wherein the coupling is secured to the elongate member by means of an anchor (12).

With regards to claim 18, Ten Caat et al. further shows a measuring device comprising a pin (6) arranged to secure the coupling to the anchor, the pin defining the axis about which the coupling is hinged.

Regarding claim 19, Ten Caat et al. further teaches a measuring device in which one of the coupling or anchor has a pair of spaced apart collars, while the other of the coupling or anchor has a single collar shaped and dimensioned to be seated between the pair of spaced apart collars, wherein the pin passes through the three collars in order to secure the coupling to the anchor (See Figure 2).

With respect to claim 22, Ten Caat et al. further discloses a measuring device comprising a backing plate (4) secured, through the elongate member, to the anchor (12).

Conclusion

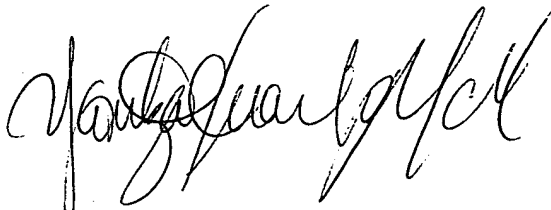
4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following references are considered of relevance to the present application.

- a. Jueneman (US 6,678,967)
- b. Ryals et al. (US 6,931,753)
- c. Potter (US 6,223,446)
- d. Rathbun et al. (US 4,164,334)

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yaritza Guadalupe McCall whose telephone number is (571)272-2244. The examiner can normally be reached on 8:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F.F. Gutierrez can be reached on (571) 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Yaritza Guadalupe-McCall', is positioned above the printed name.

Yaritza Guadalupe-McCall
Patent Examiner
Art Unit 2859

YGM
September 26, 2005